

REMARKS

Claims 1, 3, 4, and 6-14 are pending in this application. Claims 1, 3, 4, 6, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaupert. Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaupert and Thayer. Claims 7 and 11 are objected to. Claim 1 has been amended. All other claims remain as originally filed.

Reconsideration and further examination is respectfully requested.

In response to prior Office Actions issued with respect to this application, Applicant indicated that claims of the present invention are limited to a parachute attached to a fishing line. Applicant indicated his understanding that the term “parachute” has a commonly understood meaning and that the cited art did not teach or suggest a “parachute.” On the other hand, the examiner has taken the position that a parachute only has meaning in air which is not applicable to use in water. In order to expedite prosecution of the application, Applicant amended claim 1 to recite an understood feature of a parachute which was not part of the structures shown in the cited art. Following that amendment, the Examiner indicated that the claims were allowable.

In the present Office Action, the claims are again rejected in light of art which does not disclose a parachute. Furthermore, the cited art, Kaupert, does not specifically disclose the structure of a parachute as recited in claim 1. Instead, the Office Action relies upon a specific combination of parts from different embodiments in Kaupert to meet the limitations recited in claim 1. Applicant disagrees that Kaupert discloses, teaches or suggests the use of a parachute with a fishing line as recited in claim 1 or that Kaupert suggests the combination of features relied upon in the Office Action. Nevertheless, Applicant has amended claim 1 to further recite the structure of a parachute. This structure distinguishes over Kaupert which does not disclose, teach or suggest a parachute.

Kaupert discloses a water scoop which has an umbrella type structure. The structure includes a plurality of stiff ribs. A flexible, foldable skin covers the ribs. The ribs allow the structure to open and close like an umbrella. The structure includes a rod positioned between the ribs. Guy wires may attach the end of the ribs to the rod to strengthen the structure. In a second embodiment, the rod is omitted because the ribs are replaced with stiff plates. The plates open and form the umbrella shape. Kaupert does not disclose, teach or suggest use of a parachute, as that term is commonly understood. Specifically, a parachute is formed a flexible sheet or material which is packable. Kaupert does not disclose a flexible sheet. In one embodiment, Kaupert discloses ribs covered by a flexible fabric. However, the ribs prevent the sheet from being packable. In another embodiment, Kaupert discloses the use of plates without a flexible sheet. The ribs and plates of Kaupert, which are necessary to obtain the desired shape and operation, prevent the structure from being packable. Therefore, Kaupert does not disclose, teach or suggest a parachute because the structure lacks a necessary feature.

Even though the claims recite a parachute which is not disclosed by Kaupert, in order to expedite prosecution of this application, Applicant has amended claim 1 to recite the common feature of a parachute as discussed above. Kaupert does not disclose a parachute which includes a sheet flexible both axially and radially or which is packable. In the first embodiment of Kaupert, the ribs prevent the flexible fabric from being flexible in the radial direction. The third embodiment of Kaupert has no flexible structures. Furthermore, it would not be obvious to use an entirely flexible and packable sheet in connection with the drag of Kaupert. The ribs and/or plates are necessary in Kaupert to obtain the desired shape. The structure in Kaupert can fold axially, but must extend along the fishing line for a full radius of the structure. On the other hand, the parachute of the present claimed invention is flexible in all directions and can be packed for

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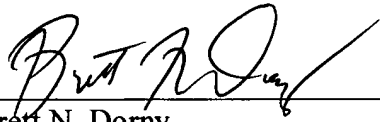
easy deployment. Therefore, claim 1 patentably distinguishes over the cited art and is in condition for allowance. Claims 3, 4 and 6-14 depend from claim 1 and are allowable for at least the same reasons.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Brett N. Dorny, Applicant's Attorney at 508-709-0501 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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